

PGI PART 212 - ACQUISITION OF COMMERCIAL ITEMS

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Parent topic: PGI Defense Federal Acquisition Regulation

PGI 212.1 —ACQUISITION OF COMMERCIAL ITEMS—GENERAL

PGI 212.102 Applicability.

(a)(i) *Commercial item determination.*

(A) *Making the commercial item determination.*

(1) Before making a commercial item determination, the contracting officer shall search the DoD Commercial Item Database at <https://piee.eb.mil> for the item and an associated commercial item determination or the decision that the item is not commercial in accordance with the commercial item definition at FAR [2.101](#) .

(2) In accordance with [10 U.S.C. 2380\(b\)\(1\)](#), the contracting officer may—

(i) Request support from the Defense Contract Management Agency (DCMA) by sending an email to DCMA Commercial Item Group (CIG) at <mailto:dcma.boston-ma.eastern-rc.mbx.Commercial@mail.mil>;

(ii) Request support from the cognizant Defense Contract Audit Agency (DCAA) office;

(iii) Request support from other appropriate experts in DoD such as program office technical evaluators, program managers, cognizant engineers, or other contracting officers; or

(iv) Consider the views of appropriate public and private sector entities such as documents provided

by the contractor asserting commerciality to include technical drawings, product or catalog descriptions, or national stock numbers.

(3) The contracting officer may make the commercial item determination or the decision that the item is not commercial in accordance with the commercial item definition at FAR 2.101 or request a DCMA CIG contracting officer make the determination or the decision that the item is not commercial in accordance with the commercial item definition at FAR 2.101 by submitting a request to <mailto:dcma.boston-ma.eastern-rc.mbx.Commercial@mail.mil>. The contracting officer may withdraw the request at any point prior to the determination being made.

(B) Documenting the commercial item determination.

(1) The contracting officer making the determination shall document the market research and rationale supporting a conclusion that the item is or is not commercial and include it in the contract file.

(2) Particular care must be taken when documenting determinations involving “modifications of a type customarily available in the marketplace,” and items only “offered for sale, lease, or license to the general public” but not yet actually sold, leased, or licensed. In these situations, the documentation must clearly detail the particulars of the modifications and sales offers. When such items lack sufficient market pricing information, additional diligence must be given to determinations that prices are fair and reasonable as required by FAR subpart 15.4.

(3) The contracting officer shall include the part number, the national stock number, or both, as applicable, in the commercial item determination or the decision that the item does not meet the commercial item definition at FAR 2.101.

(4) The contracting officer shall include the commercial item determination or the decision that the item does not meet the commercial item definition at FAR 2.101 in the contract file.

(C) DoD commercial item database. In accordance with 10 U.S.C. 2380(b)(2), within 30 days of contract award, the contracting officer making the determination shall upload the signed commercial item determination or the decision that the item does not meet the commercial item definition at FAR 2.101 to the DoD Commercial Item Database at <https://piee.eb.mil>. The only documentation that is required to be uploaded to the database is the commercial item determination or the decision that the item is not commercial. Contracting officers shall avoid uploading any data marked as proprietary or controlled unclassified information to the Commercial Item Database.

(ii) Prior commercial item determination.

(A) If a prior DoD commercial item determination for the same item is made by a military department, defense agency, or another component of DoD, contracting officers may presume that the prior commercial item determination shall serve as a determination for subsequent procurements of such item, unless the process is followed to overturn the prior determination (see DFARS 212.102(a)(ii)(B)). If there is no prior commercial item determination, see PGI 212.102(a)(ii)(B).

(B) If the DoD Commercial Item Database contains a prior decision that an item does not meet the definition of a commercial item at FAR 2.101, the contracting officer may use the prior decision to serve as the decision for subsequent procurements of the same item. To promote consistent acquisition procedures across DoD, contracting officers should consult contracting activities that regularly procure the item to understand the basis for determining that the item does not meet the commercial item definition at FAR 2.101. If there is no prior commercial item determination or prior

decision that an item does not meet the definition of a commercial item at FAR [2.101](#), see PGI 212.102(a)(i)(A).

(iv) *Commercial item guidebook*. See the [Department of Defense Guidebook for Acquiring Commercial Items, Part A: Commercial Item Determination](#), for detailed guidance and practical examples on improving the consistency and timeliness of commercial item determinations to include a template for new commercial item determinations and for general information related to commercial items.

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PGI 212.71 —PILOT PROGRAM FOR ACQUISITION OF MILITARY-PURPOSE NONDEVELOPMENTAL ITEMS

PGI 212.7102 Pilot Program.

Contracting officers shall ensure that contract files fully and adequately document the market research and rationale supporting a conclusion that the military-purpose nondevelopmental item definition in DFARS [212.7101](#) has been satisfied.

PGI 212.7102-3 Reporting requirements.

(a) By October 31 each year, departments and agencies shall submit a consolidated report identifying all contracts awarded under the Pilot Program on Acquisition of Military Purpose Nondevelopmental Items during the preceding fiscal year. Submit the required information via email at osd.pentagon.ousd-atl.mbx.cpic@mail.mil.

(b) The report shall include the following:

(1) Name of the contractor receiving a contract award under the pilot described in this subpart.

(2) Description of the item or items to be acquired.

(3) The military purpose to be served by such item or items.

(4) The amount of the contract.

(5) Actions taken by the contracting officer to ensure that the price paid for such item(s) is fair and reasonable.

(c) The required format for the report is available at
[http://www.acq.osd.mil/dpap/dars/pgi/docs/Template_for_Annual_Report_\(P....](http://www.acq.osd.mil/dpap/dars/pgi/docs/Template_for_Annual_Report_(P....)